

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:)	Case No. 11-17990
)	
ANGELA A. PAVICIC-DEMKO)	Chapter 7
)	
)	
Debtor.)	Judge: ARTHUR I. HARRIS
)	
RICHARD A. BAUMGART,)	
Trustee in Bankruptcy)	
1100 Ohio Savings Plaza)	
1801 East Ninth Street)	
Cleveland, OH 44114-3169)	
)	
Plaintiff)	
)	
-vs-)	Adv. Proc. No.
)	
CAMBRIDGE CREDIT COUNSELING)	
CORP.)	
ATTN: Manager or Executive Officer)	
67 Hunt Street, Suite 305)	
Agawam, MA 01001)	
)	
Defendant.)	

COMPLAINT TO AVOID AND RECOVER FRAUDULENT TRANSFERS

Richard A. Baumgart, the Trustee herein, respectfully represents to the Court as follows:

1. Jurisdiction of the within proceedings is vested in this Court by virtue of the provisions of 28 U.S.C. §157 as enacted and effective on July 10, 1984 as part of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Local General Order No. 2012-7, entered on April 4, 2012, by the United States District Court for the Northern District of Ohio, 28 U.S.C. §1334, in that the matters hereinafter alleged as the Complaint of Plaintiff are core proceedings within the core matter jurisdiction of this Court, relating among other things to the determination, avoidance, and/or

recovery of fraudulent transfers of personal property in accordance with 28 U.S.C. §§157(b)(2)(A), (H) and (O).

2. Plaintiff is the Trustee in the bankruptcy case of Angela Pavicic-Demko (the “Debtor”), whose case was commenced by the filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on September 14, 2011.

3. The claims asserted and the relief sought by Plaintiff in the within adversary proceeding are core proceedings. To the extent, if any, such claims or relief sought may be determined not to be core proceedings, Plaintiff consents to the entry of final orders or judgments by the Bankruptcy Judge.

4. On or about October 20, 2010, the Debtor executed an agreement with Defendant creating a financial obligation to the same in exchange for purported assistance in negotiating and settling the Debtor’s outstanding debts to creditors (the “Agreement”).

5. Subsequent to executing the Agreement the Debtor paid and transferred to defendant through a series of checks, ACH bank transfers or other mediums of payment the aggregate sum of not less than \$12,861.00.

6. Defendant has received funds from the Debtor for which no benefit has been provided to the Debtor, nor any consideration given to the Debtor.

7. The transfers complained of above constitute transfers to the Defendant of an interest of the Debtor’s bankruptcy estate in certain property, to-wit the funds transferred.

8. The transfers and obligation were incurred within two (2) years before the commencement of the Debtor’s case under title 11 of the U. S. Code.

9. The Debtor received less than a reasonably equivalent value in exchange for such

transfers or alternatively the obligation and the transfers were made while the Debtor was insolvent or became insolvent as a result thereof.

10. The Debtor received less than a reasonable equivalent value in exchange for such transfers or the obligation and intended to incur or believed that the Debtor would incur debts that would be beyond the Debtor's ability to pay as such debts matured.

11. The transfers complained of above are voidable under 11 U. S.C. § 548 and the amounts transferred are recoverable for the benefit of the estate under 11 U. S. C. §550.

WHEREFORE, Plaintiff demands judgment as follows;

- A. The transfers complained of above be avoided;
- B. That the trustee recover a judgment against Defendant in the sum of not less than \$12,861.00 together with interest thereon at the applicable federal rate and costs;
- C. Such further or other relief as is just and equitable in the premises.

/s/ Patrick A. Hruby
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